

20. Section 373.1 is revised to read as follows:

§ 373.1 General requirement.

After the last day of the six-month period beginning on April 16, 1990, whenever any department, agency or instrumentality of the United States enters into any contract for the sale or other transfer of real property which is owned by the United States and at which any hazardous substance was stored for one year or more, known to have been released, or disposed of, the head of such department, agency or instrumentality must include in such contract notice of the type and quantity of such hazardous substance and notice of the time at which such storage, release or disposal took place, to the extent such information is available on the basis of a complete search of agency files.

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40 CFR Parts 51, 52, 60, 65, 85, 86

[FRL-5224-5]

Control of Air Pollution; Removal of Legally Obsolete Rules

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is today removing from the Code of Federal Regulations (CFR) more than 200 rules pertaining to air pollution which are no longer legally in effect. Deleting these rules from the CFR will clarify the legal status of these rules for both the regulated community and the public.

EFFECTIVE DATE: This final rule takes effect on June 29, 1995.

FOR FURTHER INFORMATION CONTACT: Maureen Delaney, Office of Air and Radiation, Office of Policy Analysis and Review, (202) 260-7431.

SUPPLEMENTARY INFORMATION:

I. Introduction

On March 4, 1995 the President directed all Federal agencies and departments to conduct a comprehensive review of the regulations they administer and, by June 1, 1995, to identify those rules that are obsolete or unduly burdensome. EPA has conducted a review of all of its rules, including rules issued under the Clean Air Act (CAA), as amended (42 U.S.C. 7401 et seq.). Based on this review, EPA is today eliminating the following obsolete CAA rules from the CFR. These

rules are no longer legally in effect because (1) they implement statutory provisions which have been repealed, (2) they have expired by their own terms or by the terms of the statute or (3) they have been vacated (i.e., declared void and of no effect) by a court.

The removal of these rules from the CFR because they are no longer legally in effect is not intended to affect the status of any civil or criminal actions that were initiated prior to June 29, 1995 or which may be initiated in the future to redress violations of the rules that occurred when the rules were still legally in effect.

II. Obsolete Rules

A. Portions of Parts 51 and 52

The following deletions have been divided into three basic types of regulations found in 40 CFR parts 51 and 52: (1) Rules applicable on a national basis, without state-specific counterparts; (2) rules applicable on a national basis, supplemented by state-specific rules that implement them; and (3) rules applicable to a specific state, without national counterparts. This notice looks at each of these types in turn, setting forth the reasons that EPA seeks today to remove them from the CFR.

Any deletion of provisions that state plans currently reference is not intended to disturb those references, and EPA interprets those references to be to the version that was in the CFR when the state adopted the reference, unless the state subsequently provides otherwise.

1. National Rules Without State-Specific Counterparts

The following sets of regulations apply on a national basis, and are not further applied or implemented by any state-specific regulations. EPA has reviewed these rules and found them legally obsolete or superseded for the reasons set forth below. EPA in this notice therefore is removing them from the CFR.

40 CFR 51.105 Approval of plans: first sentence only. The first sentence of § 51.105 provides that the Administrator will approve any state implementation plan (SIP) or portion thereof if she determines that it meets the requirements of the Act. This provision has been superseded by the 1990 CAA provisions under Sections 110 (k) and (l). Accordingly, EPA is removing the first sentence of this section from the CFR.

40 CFR 51.111(a)-(c) Description of control measures. Section 51.111(a)-(c) describes what a control strategy must

include, including a description of control measures, schedule for implementation, and copies of laws and a description of administrative procedures used to implement each control measure. These provisions have been superseded by the substantive provisions of Part D of Title I of the CAA, Sections 171 et seq., in conjunction with the completeness criteria in 40 CFR part 51, Appendix V. Accordingly, EPA is removing paragraphs (a), (b), and (c) of § 51.111 from the CFR.

40 CFR 51.113 Time period for demonstration of adequacy. Section 51.113 provides the time periods for a demonstration of the adequacy of a control strategy to attain the primary national ambient air quality standard. This provision has been superseded by the 1977 and the 1990 amendments to the CAA, Sections 110, 172, 177, 181 and 182. These Sections include the details of how nonattainment areas are established, what strategies should be included in plans to show attainment in these areas, and when the plans must be submitted. Accordingly, EPA is removing § 51.113 from the CFR.

40 CFR 51.213(b) Transportation control measures, emission data maintenance. Section 51.213(b) provides that for measures involving inspection, maintenance, or retrofit, data must include the results of an emission surveillance program designed to determine actual average per vehicle emissions reductions attributable to an I/M or retrofit measure. This regulation has been superseded by the I/M rules issued under the 1990 amendments to the CAA, Section 182(a)(2)(B)(2), and EPA regulations at § 51.350 et seq.

40 CFR 51.241(a) Nonattainment areas for carbon monoxide (CO) and ozone: last two sentences only. The last two sentences in § 51.241(a) provide that, in determining the organization responsible for developing a revised SIP for nonattainment areas for ozone and CO, the procedures described in the Section 174 Guidelines issued in December, 1977, and published as appendix U to part 51, shall be consulted. These sentences have been superseded by the 1990 CAA amendments to Section 174, and by new Section 174 guidance, including Transportation & Air Quality Planning Guidelines, July 1992. Accordingly, EPA is removing the last two sentences of § 51.241(a) from the CFR.

40 CFR Part 51 Appendix U CAA Section 174 Guidelines, Guidance on designation of lead planning organizations. 40 CFR part 51, appendix U, contains Guidance on the Designation of Lead Planning

Organizations for Nonattainment Areas, and on Determination of Interagency Responsibilities, and is referenced in § 51.241(a) above. It was jointly issued by EPA and the U.S. Department of Transportation in 1977. This guidance has been superseded by the 1990 amendments to CAA Section 174, and by new guidance issued by EPA, as described above.

40 CFR 52.25 *Date for submission of set II CTG regulations.* This section sets a January, 1981 date for adoption and submittal of reasonably available control technology (RACT) requirements for sources covered by control technique guidelines (CTGs) issued between January 1978 and January 1979 (Set II CTGs). This regulation is rendered obsolete by Sections 182(a)(2)(A) and 182(b)(2) of the CAA, which establish dates for submitting new RACT measures. Accordingly, EPA is removing § 52.25 from the CFR.

2. National Rules With State-Specific Counterparts

The following set of regulations includes national rules which are further implemented or applied by state-specific regulations. The regulations relate to (a) maintenance of national standards, (b) extensions and attainment dates, and (c) indirect source review. EPA has reviewed these rules and found them legally obsolete or superseded for the reasons set forth below. In this notice EPA therefore is deleting these regulations from the CFR.

For each set of regulations, EPA has set forth first the national rules, followed by the corresponding state-specific rules which implement them.

(a) *Maintenance of National Standards*

(i) National Rules.

40 CFR Part 51, Subpart D: Maintenance of National Standards: §§ 51.40–51.63

(Includes the following rules:)

- § 51.40 Scope
- § 51.41 Air Quality Maintenance Area (AQMA) analysis: Submittal date
- § 51.42 AQMA analysis: Analysis period
- § 51.43 AQMA analysis: Guidelines
- § 51.44 AQMA analysis: Projection of emissions
- § 51.45 AQMA analysis: Allocation of emissions
- § 51.46 AQMA analysis: Projection of air quality concentrations
- § 51.47 AQMA analysis: Description of data sources
- § 51.48 AQMA analysis: Data bases
- § 51.49 AQMA analysis: Techniques description
- § 51.50 AQMA analysis: Accuracy factors
- § 51.51 AQMA analysis: Submittal of calculations
- § 51.52 AQMA plan: General

- § 51.53 AQMA plan: Demonstration of adequacy
- § 51.54 AQMA plan: Strategies
- § 51.55 AQMA plan: Legal authority
- § 51.56 AQMA plan: Future strategies
- § 51.57 AQMA plan: Future legal authority
- § 51.58 AQMA plan: Intergovernmental cooperation
- § 51.59 [Reserved]
- § 51.60 AQMA plan: Resources
- § 51.61 AQMA plan: Submittal format
- § 51.62 AQMA analysis and plan: Data availability
- § 51.63 AQMA analysis and plan: Alternative procedures
- § 52.22(a) Maintenance of national standards

(§ 52.22(b) is also being deleted today as obsolete. It is discussed separately under Section (c) below, Indirect Source Review.)

This group of rules deals with maintenance requirements which required, among other things, the submittal of plans by May, 1978. These provisions were superseded by the 1977 and 1990 amendments to the CAA, which replaced the maintenance scheme embodied in the above-cited regulations. Part D of Title I of the CAA, including Section 175A, establishes an entirely new and different attainment and maintenance regulatory structure, which rendered these regulations obsolete. Accordingly, EPA is removing them from the CFR. By removing these provisions, EPA is not affecting any obligation under Section 110(a)(1) for an area never designated non-attainment under the 1990 CAA to have a plan to maintain the national ambient air quality standards.

(ii) State-Specific Rules.

The following state-specific rules implement the provisions of 40 CFR 51.40–51.63 and 40 CFR 52.22(a), and are therefore obsolete. Accordingly, EPA is removing the following state-specific rules from the CFR. The state specific rules have been grouped by the EPA Region responsible for administering them:

REGION 1 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont)

- § 52.379 Maintenance of national standards
- § 52.1028 Maintenance of national standards
- § 52.1528 Maintenance of national standards
- § 52.2082 Maintenance of national standards
- § 52.2379 Maintenance of national standards

REGION 2 (New Jersey, New York, Puerto Rico, Virgin Islands)

- § 52.1602 Maintenance of national standards
- § 52.1688 Maintenance of national standards
- § 52.2728 Maintenance of national standards
- § 52.2778 Maintenance of national standards

REGION 3 (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia)

- § 52.431 Maintenance of national standards
- § 52.497 Maintenance of national standards
- § 52.1115 Maintenance of national standards
- § 52.2056 Maintenance of national standards
- § 52.2449 Maintenance of national standards
- § 52.2526 Maintenance of national standards

REGION 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)

- § 52.59 Maintenance of national standards
- § 52.529 Maintenance of national standards
- § 52.580 Maintenance of national standards
- § 52.929 Maintenance of national standards
- § 52.1279 Maintenance of national standards
- § 52.1777 Maintenance of national standards
- § 52.2129 Maintenance of national standards
- § 52.2232 Maintenance of national standards

REGION 5 (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

- § 52.735 Maintenance of national standards
- § 52.792 Maintenance of national standards
- § 52.1178 Maintenance of national standards
- § 52.1229 Maintenance of national standards
- § 52.1883 Maintenance of national standards
- § 52.2580 Maintenance of national standards

REGION 6 (Arkansas, Oklahoma, Texas)

- § 52.182 Maintenance of national standards
- § 52.1927 Maintenance of national standards
- § 52.2302 Maintenance of national standards

REGION 7 (Iowa, Kansas, Missouri, Nebraska)

- § 52.832 Maintenance of national standards
- § 52.883 Maintenance of national standards
- § 52.1338 Maintenance of national standards
- § 52.1435 Maintenance of national standards

REGION 8 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

- § 52.341 Maintenance of national standards
- § 52.1381 Maintenance of national standards
- § 52.1827 Maintenance of national standards
- § 52.2176 Maintenance of national standards
- § 52.2345 Maintenance of national standards
- § 52.2631 Maintenance of national standards

REGION 9 (Arizona, California, Hawaii, Nevada, American Samoa, Guam)

- § 52.143 Maintenance of national standards
- § 52.267 Maintenance of national standards
- § 52.631 Maintenance of national standards
- § 52.2674 Maintenance of national standards
- § 52.2826 Maintenance of national standards

REGION 10 (Alaska, Idaho, Oregon, Washington)

- § 52.682 Maintenance of national standards
- § 52.1986 Maintenance of national standards

(b) Extensions and Attainment Dates

(i) National Rule: § 51.340 Request for 2-year extension.

Section 51.340 provides that the Governor of a State may request the Administrator for a two-year extension of the three-year period for attainment of a primary standard provided by the 1970 CAA, Section 110(e). This regulation deals with submission of plans under the 1970 Act, and is superseded by the CAA of 1990.

2. State-Specific Rules.

The following rules implement the provisions of § 51.340, and related obsolete attainment date and SIP submission deadlines. Accordingly, EPA is deleting them from the CFR.

This group of rules relate to: the two-year attainment date extensions from Section 110(e); extensions under old Section 172(a) for ozone and CO; and other obsolete attainment dates. Yet others deal with long-elapsed extension dates under Section 110(b) for submissions of plans to meet the secondary total suspended particulate (TSP) or sulfur dioxide (SO₂) standards, as well as some of the attainment dates for the secondary SO₂ standard issued under Section 110(e). These old SO₂ secondary attainment and submission dates may be deleted as obsolete for areas that have since attained the standard. Deletion of these dates will have no adverse effect on any continuing obligation to submit any plans for these standards.

REGION 1 (Connecticut, Massachusetts)

- § 52.372 Extensions
- § 52.1122 Extensions

REGION 2 (New Jersey, New York, Puerto Rico, Virgin Islands)

- § 52.1572 Extensions
- § 52.1580 Attainment dates for National Standards
- § 52.1672 Extensions
- § 52.1682 Attainment dates for National Standards
- § 52.2723 Attainment Dates for National Standards
- § 52.2776 Attainment Dates for National Standards

REGION 3 (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia)

- § 52.427 Extensions
- § 52.428 Attainment Dates for National Standards
- § 52.473 Extensions
- § 52.481 Attainment Dates for National Standards
- § 52.1072 Extensions
- § 52.1078 Attainment Dates for National Standards
- § 52.2422 Extensions
- § 52.2428 Extensions
- § 52.2429 Attainment Dates for National Standards

REGION 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)

- § 52.52 Extensions
- § 52.54 Attainment Dates for National Standards
- § 52.523 Attainment Dates for National Standards
- § 52.575 Attainment Dates for National Standards
- § 52.577 Extensions
- § 52.922 Extensions
- § 52.1273 Attainment Dates for National Standards
- § 52.1773 Attainment Dates for National Standards
- § 52.1776 Extensions
- § 52.2127 Extensions
- § 52.2128 Attainment Dates for National Standards

REGION 5 (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

- § 52.723 Extensions
- § 52.772 Extensions
- § 52.783 Attainment Dates for National Standards
- § 52.1177 Attainment Dates for National Standards
- § 52.1226 Attainment Dates for National Standards
- § 52.1235 Extensions
- § 52.1872 Extensions
- § 52.2582 Extensions

REGION 6 (Arkansas, Louisiana, New Mexico, Oklahoma, Texas)

- § 52.173 Extensions
- § 52.176 Attainment Dates for National Standards

- § 52.979 Attainment Dates for National Standards

- § 52.1630 Attainment Dates for National Standards

- § 52.1631 Extensions
- § 52.1925 Attainment Dates for National Standards
- § 52.2272 Extensions
- § 52.2279 Attainment Dates for National Standards

REGION 7 (Iowa, Kansas, Missouri, Nebraska)

- § 52.824 Extensions
- § 52.827 Attainment Dates for National Standards
- § 52.880 Extensions
- § 52.1331 Extensions
- § 52.1332 Attainment Dates for National Standards
- § 52.1426 Extensions
- § 52.1431 Attainment Dates for National Standards

REGION 8 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

- § 52.322 Extensions
- § 52.325 Attainment Dates for National Standards
- § 52.1823 Attainment Dates for National Standards
- § 52.2174 Attainment Dates for National Standards
- § 52.2627 Attainment Dates for National Standards

REGION 9 (Arizona, California, Hawaii, Nevada, American Samoa, Guam)

- § 52.122 Extensions
- § 52.131 Attainment Dates for National Standards
- § 52.222 Extensions
- § 52.238 Attainment Dates for National Standards
- § 52.622 Extensions
- § 52.628 Attainment Dates for National Standards
- § 52.1480 Attainment Dates for National Standards
- § 52.1481 Extensions
- § 52.2673 Attainment Dates for National Standards
- § 52.2823 Attainment Dates for National Standards

REGION 10 (Alaska, Idaho, Oregon, Washington)

- § 52.81 Attainment Dates
- § 52.82 Extensions
- § 52.672 Extensions
- § 52.2472 Extensions
- § 52.2478 Attainment dates

(c) Indirect Source Review**(i) National Rules.**

This group of rules deals with requirements that state plans include a program for the preconstruction review of indirect sources of pollution (e.g., parking garages) in order to gain approval.

40 CFR 52.22(b). Section 52.22(b) includes provisions for indirect source review and for disapproving SIPs for

failing to meet indirect source review requirements contained in § 51.12, which no longer exists. Furthermore, this provision has been suspended since shortly after its creation per § 52.22(b)(16). Finally, Section 110(a)(5)(A) of the CAA provides that the Administrator may not require the states to include indirect source review programs in their plans as a condition of plan approval. These provisions establish such prohibited requirements, and thus are obsolete. Accordingly, § 52.22(b) is being removed from the CFR.

40 CFR 52.06(c) Legal authority. Section 52.06(c) deals with requirements for establishing transportation and land use controls. These have been superseded by the completeness criteria in Appendix V of Part 51 under the 1990 amendments to Section 110(k). In addition, the CAA now restricts EPA's authority to require or impose certain transportation control measures in state plans. See Sections 110(c)(2) and 110(a)(5) of the CAA. Accordingly, EPA is removing § 52.06(c) from the CFR.

Part 52 Appendix A: Interpretive rulings for § 52.22(b) regulation for review of new or modified indirect sources.

Appendix A includes interpretive rulings for § 52.22(b), which is being deleted today as superseded by Section 110(a)(5)(A). Accordingly, EPA is removing Appendix A from the CFR.

(ii) Regional Rules.

The following rules implement the provisions of 40 CFR 52.22(b) and Appendix A to part 52, and accordingly EPA is deleting them from the CFR:

REGION 1 (Massachusetts)

§ 52.1124 (a), (b) Review of new sources and modifications

REGION 2 (New Jersey, Puerto Rico)

§ 52.1578 (a), (b) Review of new sources and modifications

§ 52.2724 Review of new sources and modifications

REGION 3 (Delaware, Pennsylvania)

§ 52.426 Review of new sources and modifications

§ 52.2448 Review of new sources and modifications

REGION 4 (Georgia, Mississippi, South Carolina, Tennessee)

§ 52.574 Review of new sources and modifications

§ 52.1276 Review of new sources and modifications

§ 52.2125 Review of new sources and modifications

§ 52.2228 (a), (b) Review of new sources and modifications

REGION 5 (Wisconsin)

§ 52.2579 Review of new sources and modifications

REGION 7 (Kansas, Missouri)

§ 52.878 Review of new sources and modifications

§ 52.1328 Review of new sources and modifications

REGION 9 (Arizona, Hawaii)

§ 52.129 (e), (f) Review of new sources and modifications

§ 52.629 Review of new sources and modifications

REGION 10 (Alaska)

§ 52.78 Review of new sources and modifications

3. State-Specific Regulations Without National Counterparts

The following set of rules includes rules applicable only on a state-specific basis, unaccompanied by any counterpart national rule. EPA has reviewed these rules and found them to be legally obsolete or superseded for the reasons set forth below. These rules are grouped by the EPA Regional Office responsible for administering them.

REGION 2 (New York, Puerto Rico)

40 CFR 52.1675(f) Control strategy and regulations for sulfur oxides. This rule establishes temporary fuel variances which have expired by their own terms many years ago and have no current effect. Accordingly this rule may be removed from the CFR.

40 CFR 52.2730 Compliance schedules. This regulation sets forth final compliance dates for various sources in Puerto Rico, ranging from 1973 to 1974. These dates are now more than twenty years old, and have been rendered obsolete by the subsequently applicable emission-limiting requirements. Accordingly, this rule may be removed from the CFR.

REGION 3 (Pennsylvania, Virginia, West Virginia)

40 CFR 52.2055(c) Review of new sources and modifications. Section 52.2055 provides that special permit requirement regulations for Pennsylvania are approved on the condition that certain revisions are submitted to EPA. Section 52.2055 was originally promulgated on March 19, 1981 (46 FR 17552 (July 13, 1981)). Pennsylvania submitted revisions which addressed the deficiencies cited by EPA in § 52.2055(c). On February 26, 1982 (47 FR 8358), EPA approved these revised sections as part of the Pennsylvania SIP, and codified the approval at § 52.2020(c)(41). At the same time, EPA modified § 52.2055(a) to

reflect EPA's approval of these previously conditionally approved or unapproved regulations. Since § 52.2020(c)(41) reflects EPA's current assessment that the 1981 amendments are fully approvable, § 2055(c) is obsolete, and is being removed from the CFR.

40 CFR 52.2424 General requirements. Section 52.2424 provides that the requirements of § 51.110 (b) and (d) are not met because the Virginia SIP does not provide for CO and ozone attainment as expeditiously as practicable, as evidenced by the State's failure to propose sufficient interim control measures to be implemented during the two-year period for which an extension to attain the national standards was requested. This rule has been superseded by new plan submission requirements and attainment dates in the 1990 amendments to the CAA, and accordingly may be removed from the CFR.

40 CFR 52.2522(a) Approval status. Section 52.2522(a) approves a consent order for a period of three years until July 6, 1985, after which affected sources must comply with the applicable SIP. Since the term of the approval has expired, this rule is obsolete and accordingly may be deleted.

40 CFR 52.2522(d). Section 52.2522(d) provides, among other things, that continued satisfaction of the requirements of Part D for the ozone portion of the West Virginia SIP depends on the submittal of RACT requirements by July, 1980 for sources covered by CTGs. This section has been superseded by the RACT provisions of the 1990 CAA, as described above. Accordingly, EPA is removing § 52.2522(d) from the CFR.

40 CFR 52.2531 Control strategy: hydrocarbons. Section 52.2531 conditionally approves the West Virginia ozone plan for Kanawha Valley on the condition that the state adopt an adequate test method for a certain regulation. The revised test method in state regulation XXIII (for bulk gasoline loading terminals) referred to in this section was submitted by West Virginia on November 6, 1980, approved by EPA on November 20, 1981 (46 FR 57044) and codified at § 52.2425(c)(16). Thus § 52.2531 is obsolete, and accordingly, EPA is removing it from the CFR.

40 CFR 52.2532: Control strategy: particulate matter. Section 52.2532 states that West Virginia does not have approved plans for attaining secondary TSP standards in certain areas. EPA may no longer require development of control strategies designed to attain the

secondary TSP standard after the July 1, 1987 promulgation of the particulate matter (PM₁₀) standard and the repeal of the secondary TSP standard. See 52 FR 24634 (July 1, 1987). This regulation is therefore obsolete, and accordingly EPA is removing it from the CFR.

REGION 5 (Ohio)

40 CFR 52.1881(b), the following portions only:

- (12) Allen Co.
- (13) Ashtabula Co.
- (14) Athens Co.
- (15) Auglaize Co.
- (16) Belmont Co.
- (18) Clark Co.
- (20) Columbiana Co.
- (22) Crawford Co.
- (24) Delaware Co.
- (25) Erie Co.
- (26) Fairfield Co.
- (29) Greene Co.
- (30) Hamilton Co.
- (31) Hancock Co.
- (32) Henry Co.
- (33) Huron Co.
- (34) Jefferson Co.
- (36) Lawrence Co.: delete all but (36)(v) (Allied Chemical)
- (37) Licking Co.
- (41) Marion Co.
- (42) Medina Co.
- (43) Meigs Co.
- (44) Mercer Co.
- (45) Miami Co.
- (46) Montgomery Co.: delete all but (46)(i) (general limit)
- (47) Morgan Co.
- (48) Muskingum Co.
- (49) Ottawa Co.
- (50) Paulding Co.
- (51) Pickaway Co.
- (53) Richland Co.
- (55) Sandusky Co.: delete all but 55(iv) (Martin Marietta)
- (56) Scioto Co.
- (57) Seneca Co.
- (60) Trumbull Co.
- (61) Tuscarawas Co.
- (62) Vinton Co.
- (63) Washington Co.: delete all but (63)(iii) (Shell Oil)
- (64) Wayne Co.

The preceding portions of § 52.1881(b) set forth various regulations for the control of sulfur dioxide in the State of Ohio. In 1976, to address the lack of sulfur dioxide SIP limits in Ohio, EPA promulgated a Federal Implementation Plan (FIP). In the early 1980's Ohio adopted and submitted and EPA approved State rules limiting sulfur dioxide emissions for many of the counties regulated in the FIP. Ever since that time, § 52.1881 has stated that approved State rules supersede any corresponding FIP rules. The superseded rules have no effect and are unenforceable, and thus no longer need be retained in the CFR. The table above lists the rules in § CFR 52.1881(b) which

have been superseded and are accordingly being removed from the CFR.

REGION 6 (Louisiana, New Mexico, Oklahoma, Texas)

40 CFR 52.980 Compliance schedules. Section 52.980 sets compliance schedules for certain facilities in Louisiana; the latest compliance date set is 1982. Thus these facilities were required to have come into compliance more than twelve years ago, and § 52.980 is now obsolete. Any remaining issues with regard to compliance will be dealt with under the currently applicable requirements. EPA is therefore removing § 52.980 from the CFR.

40 CFR 52.1626 Compliance schedules. Section 52.1626 sets forth compliance schedules for certain sources in New Mexico; final compliance dates are 1980, 1982, and 1984. The facilities covered by this section were therefore required to have come into compliance more than ten years ago. Any remaining issues with regards to compliance will be dealt with under the currently applicable requirements. EPA is therefore removing § 52.1626 from the CFR.

40 CFR 52.1926 General requirements. Section 52.1926 disapproves Oklahoma's definition of best available control technology (BACT). The State subsequently adopted and EPA approved rules to correct this deficiency. Section 52.1926 was superseded by EPA's approval of the Oklahoma prevention of significant deterioration (PSD) SIP revisions. See §§ 52.1929, 52.1920(c)(38)(i)(C); 56 FR 5656 (Feb. 12, 1991). EPA is therefore removing § 52.1926 from the CFR.

40 CFR 52.2275(d) Control strategy and regulations: ozone. Section 52.2275(d) sets forth certain test methods to be used for purposes of Federal enforcement. The State of Texas has adopted rules to cover these areas and EPA has approved them, making § 52.2275(d) obsolete. See § 52.2270(c)(77); 57 FR 44124 (Sept. 24, 1992). Accordingly, EPA is removing this section from the CFR.

REGION 10 (Alaska, Idaho, Oregon, Washington)

40 CFR 52.677 Compliance schedules. Section 52.677 sets forth compliance schedules for certain facilities in Idaho. The final compliance date is 1974, and therefore the facilities covered by this section were required to come into compliance more than 20 years ago. Any remaining issues with regards to compliance will be dealt with under the currently applicable requirements. EPA

is therefore removing § 52.677 from the CFR.

40 CFR 52.1975 Compliance schedules. Section 52.1975 sets forth compliance schedules for certain types of facilities, with the latest final compliance date set for January, 1975. The facilities covered by this section were therefore required to come into compliance more than 20 years ago. Any remaining issues with regards to compliance will be dealt with under the currently applicable requirements. EPA is therefore removing § 52.1975 from the CFR.

40 CFR 52.2481 Compliance schedules. Section 52.2481 sets forth compliance schedules for certain types of facilities in Washington, with the final compliance date set for July, 1974. The facilities covered by this section were therefore required to come into compliance more than 20 years ago. Any remaining issues with regards to compliance will be dealt with under the currently applicable requirements. EPA is therefore removing § 52.2481 from the CFR.

40 CFR 52.688 Idaho rules and regulations. Section 52.688 provides that Idaho must ensure that PSD and other new source review and operating permits comply with the applicable provisions of EPA's revised stack height regulations, and must also revise its stack height regulations by April 8, 1985, to be consistent with EPA's revised regulations. The required SIP revision has been submitted and approved. See § 52.670(c)(25); 53 FR 48539 (Dec. 1, 1988). Accordingly, § 52.688 is now obsolete and EPA is removing it from the CFR.

40 CFR 52.689 Idaho lead control strategy. Section 52.689 sets forth a lead control strategy for the Bunker Limited Smelter and the area immediately surrounding it. The source, Bunker Limited, has been dismantled and has ceased to exist. This regulation is therefore obsolete, and EPA is removing it from the CFR.

40 CFR 52.1974 Oregon transportation and land use control. Section 52.1974 provides that the Governor of Oregon must submit to EPA no later than April, 1974, regulations needed to implement inspection/maintenance and retrofit programs. The required SIP revision has been submitted and approved. See § 52.1970; 46 FR 35 (Jan. 2, 1981). Accordingly, § 52.1974 is now obsolete and EPA is removing it from the CFR.

40 CFR 52.1976 Oregon control strategy: particulate matter. Section 52.1976 disapproves certain Oregon rules as inconsistent with the requirements for attainment and

maintenance of the particulate matter NAAQS. The control strategy for the Portland TSP nonattainment area was subsequently submitted and approved. See 46 FR 60017 (Dec. 8, 1981). Since § 52.1976 is now obsolete, EPA is removing it from the CFR.

40 CFR 52.2475 Washington legal authority. Section 52.2475 found that Washington lacked legal authority to implement various transportation control strategies. The required legal authorities and SIP revisions have been submitted and approved. See §§ 52.2470(c)(22) (Seattle), 52.2470(c)(24) (Spokane); 46 FR 45607 (Sept. 14, 1981), 47 FR 1266 (Mar. 22, 1982). Since § 52.2475 is now obsolete, EPA is removing it from the CFR.

Regulations made obsolete by § 52.2470. The following miscellaneous provisions for the State of Washington, which date back to the early 1970's and arise in part from a FIP, are obsolete and have been superseded by approved SIP control strategies (see § 52.2470; 46 FR 45607 (Sept. 14, 1981), 47 FR 1266 (Mar. 22, 1982)):

- § 52.2477 Washington source surveillance.
- § 52.2485 Washington Inspection and Maintenance Program
- § 52.2486 Washington Management of Parking Supply
- § 52.2489 Washington Reduction of Parking Spaces
- § 52.2490 Washington Air bleed to Intake Manifold
- § 52.2491 Washington Exhaust Gas Recirculation-air bleed
- § 52.2492 Washington Computer Carpool Matching System
- § 52.2493 Washington Transit Improvement Measure
- § 52.2494 Washington Bike Lanes and Bike Racks
- § 52.2496 Washington Maintenance of National Standards

B. Portions of Parts 60, 65, 85, and 86

40 CFR Part 60, Subpart D, § 60.47. Subpart D of part 60, promulgated on July 1, 1979, establishes new source performance standards for fossil-fuel-fired steam generators for which construction is commenced after August 17, 1971, pursuant to Section 111 of the CAA. CAA Section 111(j) gives the Administrator the discretion to issue one or more waivers from the requirements of Section 111 upon the request of any person proposing to own or operate a new source using an innovative technological system or systems of continuous emission reduction. Section 60.47 establishes such a waiver for sulfur dioxide emissions from Unit No. 3 at the Homer City Steam Electric Generating Station Center Township in Indiana County, Pennsylvania. Sections 60.47 (b) and (c)

expressly state that the waiver expires on November 30, 1981, and that commencing December 1, 1981, and continuing thereafter, the emissions limitations provided in § 60.43(a)(2) apply. Accordingly, since the waiver has expired, EPA is removing § 60.47, including References and Appendix I, from the CFR.

40 CFR Part 60, Subpart BB, § 60.286. Subpart BB of part 60, promulgated on February 23, 1978, and amended on May 20, 1986, establishes new source performance standards for Kraft Pulp Mills pursuant to Section 111 of the CAA. CAA Section 111(j) gives the Administrator the discretion to issue one or more waivers from the requirements of Section 111 upon the request of any person proposing to own or operate a new source using an innovative technological system or systems of continuous emission reduction. Section 60.286 establishes such a waiver for the No. 10 batch digester at Owens-Illinois Incorporated's Valdosta kraft pulp mill in Clyattville, Georgia. Section 60.286(a)(2) expressly states that the waiver expires on or before December 31, 1987. Since the waiver has expired by its own terms, EPA is removing § 60.286 from the CFR.

40 CFR Part 60, Subpart AAA, §§ 60.530(c), 60.530(d), 60.532(a), 60.533(e)(2), 60.533(h), 60.533(j)(1)(i), 60.533(p)(4)(ii)(B), 60.535(a)(2), 60.535(c), 60.537(e), 60.537(b)(2), 60.539a(b)(1). Subpart AAA of part 60 establishes standards of performance for new residential wood heaters pursuant to Section 111 of the CAA. The standards were promulgated on February 26, 1988, and amended on April 12, 1988, April 26, 1988, and February 13, 1992. Section 60.532(b) establishes emission limitations for particulate matter for each wood heater manufactured on or after July 1, 1990, or sold at retail on or after July 1, 1992. Certain provisions of subpart AAA which establish duties, emission limitations, or waivers for the period preceding July 1, 1992, are superseded by § 60.532(b) and are therefore being removed from the CFR. These provisions are:

Section 60.530(c), which exempts certain wood heaters manufactured before July 1, 1990, and sold at retail before July 1, 1992;

Section 60.530(d), which exempts certain wood heaters manufactured between July 1, 1988 and June 30, 1989, and sold at retail before July 1, 1991;

Section 60.532(a), which establishes particulate matter emission limitations for wood heaters manufactured on or after July 1, 1988, or sold at retail on or after July 1, 1990;

Section 60.533(e)(2), which establishes an option for a wood heater application determination for a period ending June 30, 1988;

Section 60.533(h), which specifies the Administrator's duties between the period April 1, 1987 through July 1, 1990 with respect to determining whether an undue certification delay exists;

Section 60.533(j)(1)(i), which states that a certificate of compliance for a model meeting the emissions limitations in § 60.532(a) expires on June 30, 1990;

Section 60.533(p)(4)(ii)(B), which requires the Administrator to publish a decision by July 1, 1990 for each test method and procedure set out in § 60.534(a);

Section 60.535(a)(2), which establishes an option for a laboratory to be certified for a period ending on June 30, 1988;

Section 60.535(c), which applies to laboratories accredited by the State of Oregon prior to 1988 and such accreditations expired in 1993 or earlier;

Section 60.537(b)(2), which requires accredited laboratories to issue certain reports to the Administrator between April 1, 1987 and July 1, 1990;

Section 60.537(e), which establishes the procedures for a manufacturer seeking an exemption under § 60.530(d), which is obsolete (see above); and

Section 60.539a(b)(1), which no longer is applicable because it applies to wood heaters exempted under § 60.530(c), which is obsolete (see above).

40 CFR Part 65. EPA promulgated part 65's regulations on delayed compliance orders in 1978 pursuant to Section 113(d) of the CAA. Section 113(d) authorized the Administrator to issue delayed compliance orders permitting a delay in compliance with applicable regulations contained in a SIP. The 1990 amendments to the CAA amended Section 113(d) and repealed the authority to issue delayed compliance orders. Furthermore, all of the delayed compliance orders listed in part 65 have expired. Accordingly, EPA is removing part 65 from the CFR.

40 CFR Part 85, Subpart E. Prior to 1990, Section 202(b)(7) of the CAA established a research objective to reduce emissions of oxides of nitrogen from light-duty motor vehicles. In 1980, EPA promulgated subpart E of part 85 establishing a research program to implement Section 202(b)(7)'s objective. The 1990 amendments to the CAA repealed Section 202(b)(7), making subpart E obsolete. Accordingly, EPA is now removing subpart E from the CFR.

40 CFR §§ 86.1104-87 and 86.1104-90. Subpart L of 40 CFR part 86 sets

forth nonconformance penalties for gasoline-fueled and diesel heavy-duty engines (HDEs) and heavy-duty vehicles (HDVs), including certain light-duty trucks. Section 206(g) of the CAA requires EPA to issue a certificate of conformity for HDEs or HDVs that exceed an applicable emissions standard, but do not exceed an upper limit associated with that standard, if the manufacturer pays a nonconformance penalty (NCP) established by rulemaking.

Over time EPA has promulgated three regulatory sections which set forth the upper emission limit for which an NCP can be established. Each time EPA promulgated one of these regulatory sections, the promulgation of the new section effectively limited the applicability of the existing section. When EPA first passed § 86.1104-87, this section established the upper limit for model year (MY) 1987 and all subsequent model years. But when EPA promulgated § 86.1104-90 for MY1990 and later models, the new section's promulgation limited § 86.1104-87's applicability to MY1987 through MY1989. Similarly, when EPA promulgated § 86.1104-91 for MY1991 and subsequent model years this promulgation had the effect of limiting § 86.1104-90's applicability to MY1990 only.

Because both § 86.1104-87 and § 86.1104-90 are time limited to model years that have passed, they have no legal effect for current or future model years. EPA is therefore removing §§ 86.1104-87 and 86.1104-90 from the CFR.

40 CFR §§ 86.1105-87(b) and 86.1105-87(c)(1). Section 86.1105-87 designates those emission standards for HDEs and HDVs for which the payment of a NCP is an option in the event an HDE or HDV exceeds the applicable emission standard. Some of these NCP provisions are now obsolete because the emission standards to which they relate are no longer in effect for current or future model years. Section 86.1105-87(b), which makes NCPs available for diesel HDEs that exceed an oxides of nitrogen (NO_x) emission standard of 6.0 grams per brake horsepower-hour (g/bhp-hr) beginning in MY1990 or a particulate (PM) emission standard of 0.60 g/bhp-hr beginning in MY1988, is obsolete because these emissions standards no longer apply to current or future model years. Beginning with MY1991 diesel HDEs, the NO_x emission standard changed to 5.0 g/bhp-hr, while the PM standard changed to 0.25 g/bhp-hr. See 40 CFR 86.091-11(a)(1)(iii)-(iv). Similarly, § 86.1105-87(c)(1), which allows NCPs for petroleum-fueled diesel

HDEs MY1991 or later that exceed 0.25 PM g/bhp-hr, is now obsolete because the PM standard for MY1994 and later model year diesel HDEs is 0.07 or 0.10 g/bhp-hr, depending on whether the engine is used in an urban bus. See 40 CFR 86.094-11(a)(1)(iv). Accordingly, EPA is removing paragraphs (b) and (c)(1) of § 86.1105-87 from the CFR.

III. Good Cause Exemption from Notice-and-Comment Rulemaking Procedures

The CAA and Administrative Procedure Act generally require EPA to provide prior notice and opportunity for public comment before issuing a final rule. 42 U.S.C. 7607(d), 5 U.S.C. 553(b), (c). Rules are exempt from this requirement if EPA finds for good cause that notice and comment are unnecessary. 42 U.S.C. 7607(d)(1), 5 U.S.C. 553(b)(3)(B).

EPA has determined that providing prior notice and opportunity for comment on the deletion of these rules from the CFR is unnecessary. For the reasons discussed in Sections I and II, these rules are no longer legally in effect; thus, withdrawing them from the CFR has no legal impact and merely codifies the current legal status of the rules.

For the same reasons, EPA believes there is good cause for making the removal of these rules from the CFR immediately effective. See 5 U.S.C. 553(d).

IV. Analyses under E.O. 12866, the Unfunded Mandates Reform Act of 1995, the Regulatory Flexibility Act and the Paperwork Reduction Act

Because the withdrawal of these rules from the CFR merely reflects their current legal status and thus has no regulatory impact, this action is not a "significant" regulatory action within the meaning of E.O. 12866, and does not impose any Federal mandate on State, local or tribal governments or the private sector within the meaning of the Unfunded Mandates Reform Act of 1995. For the same reasons, pursuant to the Regulatory Flexibility Act, I certify that this action would not have a significant economic impact on a substantial number of small entities. Finally, because these rules are no longer legally in effect, their deletion from the CFR does not affect requirements under the Paperwork Reduction Act.

List of Subjects

40 CFR Part 51

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide,

Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Aluminum, Ammonium sulfate plants, Batteries, Beverages, Carbon monoxide, Cement industry, Coal, Copper, Dry cleaners, Electric power plants, Fertilizers, Fluoride, Gasoline, Glass and glass products, Grains, Graphic arts industry, Heaters, Household appliances, Insulation, Intergovernmental relations, Iron, Labeling, Lead, Lime, Metallic and nonmetallic mineral processing plants, Metals, Motor vehicles, Natural gas, Nitric acid plants, Nitrogen dioxide, Paper and paper products industry, Particulate matter, Paving and roofing materials, Petroleum, Phosphate, Plastics materials and synthetics, Polymers, Reporting and recordkeeping requirements, Sewage disposal, Steel, Sulfur oxides, Sulfuric acid plants, Tires, Urethane, Vinyl, Volatile organic compounds, Waste treatment and disposal, Zinc.

40 CFR Part 65

Environmental protection, Air pollution control.

40 CFR Part 85

Environmental protection, Confidential business information, Imports, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements, Research, Warranties.

40 CFR Part 86

Environmental protection, Administrative practice and procedure, Confidential business information, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: June 8, 1995.

Mary D. Nichols
Administrator

For the reasons set out in the preamble, and under the authority of 42 U.S.C. 7401-7671q, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 51—[AMENDED]

1. The authority citation for Part 51 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

§ 51.105 [Amended]

2. Section 51.105 is amended by removing the first sentence of the paragraph.

§ 51.111 [Amended]

3. In § 51.111, paragraphs (a), (b) and (c) are removed, and paragraph (d) is redesignated as paragraph (a).

§ 51.113 [Amended]

4. Section 51.113 is removed.

§ 51.213 [Amended]

5. In § 51.213, paragraph (b) is removed, and paragraphs (c) and (d) are redesignated as paragraphs (b) and (c), respectively.

§ 51.241 [Amended]

6. In § 51.241, paragraph (a) is amended by removing the last two sentences of the paragraph.

§ 51.340 [Amended]

7. Section 51.340 is removed.

Subpart D to Part 51 [Removed and reserved]

8. Part 51, Subpart D is removed and reserved.

Appendix U to Part 51 [Removed]

9. Appendix U to Part 51 is removed.

PART 52—[AMENDED]

10. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

§ 52.06 [Amended]

11. In § 52.06, paragraph (c) is removed.

§ 52.22 [Removed]

12. Section 52.22 is removed.

§ 52.25 [Removed]

13. Section 52.25 is removed.

§ 52.52 [Removed]

14. Section 52.52 is removed.

§ 52.54 [Removed]

15. Section 52.54 is removed.

§ 52.59 [Removed]

16. Section 52.59 is removed.

§ 52.78 [Removed]

17. Section 52.78 is removed.

§ 52.81 [Removed and reserved]

18. Section 52.81 is removed and reserved.

§ 52.82 [Removed and reserved]

19. Section 52.82 is removed and reserved.

§ 52.122 [Removed and reserved]

20. Section 52.122 is removed and reserved.

§ 52.129 [Amended]

21. In § 52.129, paragraphs (e) and (f) are removed, and paragraph (g) is redesignated as paragraph (e).

§ 52.131 [Removed and reserved]

22. Section 52.131 is removed and reserved.

§ 52.143 [Removed and reserved]

23. Section 52.143 is removed and reserved.

§ 52.173 [Removed and reserved]

24. Section 52.173 is removed and reserved.

§ 52.176 [Removed and reserved]

25. Section 52.176 is removed and reserved.

§ 52.182 [Removed]

26. Section 52.182 is removed.

§ 52.222 [Removed and reserved]

27. Section 52.222 is removed and reserved.

§ 52.238 [Removed and reserved]

28. Section 52.238 is removed and reserved.

§ 52.267 [Removed and reserved]

29. Section 52.267 is removed and reserved.

§ 52.322 [Removed and reserved]

30. Section 52.322 is removed and reserved.

§ 52.325 [Removed and reserved]

31. Section 52.325 is removed and reserved.

§ 52.341 [Removed and reserved]

32. Section 52.341 is removed and reserved.

§ 52.372 [Removed and reserved]

33. Section 52.372 is removed and reserved.

§ 52.379 [Removed and reserved]

34. Section 52.379 is removed and reserved.

§ 52.426 [Removed and reserved]

35. Section 52.426 is removed and reserved.

§ 52.427 [Removed and reserved]

36. Section 52.427 is removed and reserved.

§ 52.428 [Removed and reserved]

37. Section 52.428 is removed and reserved.

§ 52.431 [Removed and reserved]

38. Section 52.431 is removed and reserved.

§ 52.473 [Removed and reserved]

39. Section 52.473 is removed and reserved.

§ 52.481 [Removed and reserved]

40. Section 52.481 is removed and reserved.

§ 52.497 [Removed and reserved]

41. Section 52.497 is removed and reserved.

§ 52.523 [Removed and reserved]

42. Section 52.523 is removed and reserved.

§ 52.529 [Removed and reserved]

43. Section 52.529 is removed and reserved.

§ 52.574 [Removed and reserved]

44. Section 52.574 is removed and reserved.

§ 52.575 [Removed and reserved]

45. Section 52.575 is removed and reserved.

§ 52.577 [Removed and reserved]

46. Section 52.577 is removed and reserved.

§ 52.580 [Removed and reserved]

47. Section 52.580 is removed and reserved.

§ 52.622 [Removed and reserved]

48. Section 52.622 is removed and reserved.

§ 52.628 [Removed and reserved]

49. Section 52.628 is removed and reserved.

§ 52.629 [Removed and reserved]

50. Section 52.629 is removed and reserved.

§ 52.631 [Removed and reserved]

51. Section 52.631 is removed and reserved.

§ 52.672 [Removed and reserved]

52. Section 52.672 is removed and reserved.

§ 52.677 [Removed and reserved]

53. Section 52.677 is removed and reserved.

§ 52.682 [Removed and reserved]

54. Section 52.682 is removed and reserved.

§ 52.688 [Removed and reserved]

55. Section 52.688 is removed and reserved.

§ 52.689 [Removed and reserved]

56. Section 52.689 is removed and reserved.

§ 52.723 [Removed and reserved]

57. Section 52.723 is removed and reserved.

§ 52.735 [Removed and reserved]

58. Section 52.735 is removed and reserved.

§ 52.772 [Removed and reserved]

59. Section 52.772 is removed and reserved.

§ 52.783 [Removed and reserved]

60. Section 52.783 is removed and reserved.

§ 52.792 [Removed and reserved]

61. Section 52.792 is removed and reserved.

§ 52.824 [Removed and reserved]

62. Section 52.824 is removed and reserved.

§ 52.827 [Removed and reserved]

63. Section 52.827 is removed and reserved.

§ 52.832 [Removed and reserved]

64. Section 52.832 is removed and reserved.

§ 52.878 [Removed and reserved]

65. Section 52.878 is removed and reserved.

§ 52.880 [Removed and reserved]

66. Section 52.880 is removed and reserved.

§ 52.883 [Removed and reserved]

67. Section 52.883 is removed and reserved.

§ 52.922 [Removed and reserved]

68. Section 52.922 is removed and reserved.

§ 52.929 [Removed and reserved]

69. Section 52.929 is removed and reserved.

§ 52.979 [Removed and reserved]

70. Section 52.979 is removed and reserved.

§ 52.980 [Removed and reserved]

71. Section 52.980 is removed and reserved.

§ 52.1028 [Removed and reserved]

72. Section 52.1028 is removed and reserved.

§ 52.1072 [Removed and reserved]

73. Section 52.1072 is removed and reserved.

§ 52.1078 [Removed and reserved]

74. Section 52.1078 is removed and reserved.

§ 52.1115 [Removed and reserved]

75. Section 52.1115 is removed and reserved.

§ 52.1122 [Removed and reserved]

76. Section 52.1122 is removed and reserved.

§ 52.1124 [Amended]

77. In § 52.1124, paragraphs (a) and (b) are removed, and paragraph (c) is redesignated as paragraph (a).

§ 52.1177 [Removed and reserved]

78. Section 52.1177 is removed and reserved.

§ 52.1178 [Removed and reserved]

79. Section 52.1178 is removed and reserved.

§ 52.1226 [Removed and reserved]

80. Section 52.1226 is removed and reserved.

§ 52.1229 [Removed and reserved]

81. Section 52.1229 is removed and reserved.

§ 52.1235 [Removed and reserved]

82. Section 52.1235 is removed and reserved.

§ 52.1273 [Removed and reserved]

83. Section 52.1273 is removed and reserved.

§ 52.1276 [Removed and reserved]

84. Section 52.1276 is removed and reserved.

§ 52.1279 [Removed and reserved]

85. Section 52.1279 is removed and reserved.

§ 52.1328 [Removed and reserved]

86. Section 52.1328 is removed and reserved.

§ 52.1331 [Removed and reserved]

87. Section 52.1331 is removed and reserved.

§ 52.1332 [Removed and reserved]

88. Section 52.1332 is removed and reserved.

§ 52.1338 [Removed and reserved]

89. Section 52.1338 is removed and reserved.

§ 52.1381 [Removed and reserved]

90. Section 52.1381 is removed and reserved.

§ 52.1426 [Removed and reserved]

91. Section 52.1426 is removed and reserved.

§ 52.1431 [Removed and reserved]

92. Section 52.1431 is removed and reserved.

§ 52.1435 [Removed and reserved]

93. Section 52.1435 is removed and reserved.

§ 52.1480 [Removed and reserved]

94. Section 52.1480 is removed and reserved.

§ 52.1481 [Removed and reserved]

95. Section 52.1481 is removed and reserved.

§ 52.1528 [Removed and reserved]

96. Section 52.1528 is removed and reserved.

§ 52.1572 [Removed and reserved]

97. Section 52.1572 is removed and reserved.

§ 52.1578 [Amended]

98. In § 52.1578, paragraphs (a) and (b) are removed, and paragraph (c) is redesignated as paragraph (a).

§ 52.1580 [Removed and reserved]

99. Section 52.1580 is removed and reserved.

§ 52.1602 [Removed and reserved]

100. Section 52.1602 is removed and reserved.

§ 52.1626 [Removed and reserved]

101. Section 52.1626 is removed and reserved.

§ 52.1630 [Removed and reserved]

102. Section 52.1630 is removed and reserved.

§ 52.1631 [Removed and reserved]

103. Section 52.1631 is removed and reserved.

§ 52.1672 [Removed and reserved]

104. Section 52.1672 is removed and reserved.

§ 52.1675 [Amended]

105. In § 52.1675, paragraph (f) is removed and paragraphs (g) and (h) are redesignated as paragraphs (f) and (g), respectively.

§ 52.1682 [Removed and reserved]

106. Section 52.1682 is removed and reserved.

§ 52.1688 [Removed and reserved]

107. Section 52.1688 is removed and reserved.

§ 52.1773 [Removed and reserved]

108. Section 52.1773 is removed and reserved.

§ 52.1776 [Removed and reserved]

109. Section 52.1776 is removed and reserved.

§ 52.1777 [Removed and reserved]

110. Section 52.1777 is removed and reserved.

§ 52.1823 [Removed and reserved]

111. Section 52.1823 is removed and reserved.

§ 52.1827 [Removed and reserved]

112. Section 52.1827 is removed and reserved.

§ 52.1872 [Removed and reserved]

113–114. Section 52.1872 is removed and reserved.

§ 52.1881 [Amended]

115. In § 52.1881:

a. Paragraphs (b)(12) through (16) are removed and paragraph (b)(17) is redesignated as paragraph (b)(12).

b. Paragraph (b)(18) is removed and paragraph (b)(19) is redesignated as paragraph (b)(13).

c. Paragraph (b)(20) is removed and paragraph (b)(21) is redesignated as paragraph (b)(14).

d. Paragraph (b)(22) is removed and paragraph (b)(23) is redesignated as paragraph (b)(15).

e. Paragraphs (b)(24), (25) and (26) are removed and paragraphs (b)(27) and (28) are redesignated as paragraphs (b)(16) and (17), respectively.

f. Paragraphs (b)(29), (30), (31), (32), (33) and (34) are removed and paragraph (b)(35) is redesignated as paragraph (b)(18).

g. Paragraph (b)(36) is redesignated as paragraph (b)(19), newly redesignated paragraphs (b)(19)(i) through (iv) are removed, and newly redesignated paragraph (b)(19)(v) is further redesignated as paragraph (b)(19)(i).

h. A new paragraph (b)(19)(ii) is added and reserved.

i. Paragraph (b)(37) is removed and paragraphs (b)(38), (39) and (40) are redesignated as paragraphs (b)(20), (21), and (22) respectively.

j. Paragraphs (b)(41), (42), (43), (44), and (45) are removed.

k. Paragraph (b)(46) is redesignated as paragraph (b)(23) and newly redesignated paragraphs (b)(23)(ii) through (vii) are removed.

l. A new paragraph (b)(23)(ii) is added and reserved.

m. Paragraphs (b)(47), (48), (49), (50) and (51) are removed and paragraph (b)(52) is redesignated as paragraph (b)(24).

n. Paragraph (b)(53) is removed and paragraph (b)(54) is redesignated as paragraph (b)(25).

o. Paragraph (b)(55) is redesignated as paragraph (b)(26), newly designated paragraphs (b)(26)(i) through (iii) and (v) are removed, and newly redesignated paragraph (b)(26)(iv) is further redesignated as paragraph (b)(26)(i). A new paragraph (b)(26)(ii) is added and reserved.

p. Paragraphs (b)(56) and (57) are removed and paragraphs (b)(58) and (59) are redesignated as paragraphs (b)(27) and (28), respectively.

q. Paragraphs (b)(60), (61), and (62) are removed.

r. Paragraph (b)(63) is redesignated as paragraph (b)(29), newly redesignated paragraphs (b)(29)(i) and (ii) are removed, and newly redesignated paragraph (b)(29)(iii) is further redesignated as paragraph (b)(29)(i). A new paragraph (b)(29)(ii) is added and reserved.

s. Paragraph (b)(64) is removed and paragraph (b)(65) is redesignated as paragraph (b)(30).

§ 52.1883 [Removed and reserved]

116. Section 52.1883 is removed and reserved.

§ 52.1925 [Removed and reserved]

117. Section 52.1925 is removed and reserved.

§ 52.1926 [Removed and reserved]

118. Section 52.1926 is removed and reserved.

§ 52.1927 [Removed and reserved]

119. Section 52.1927 is removed and reserved.

§ 52.1974 [Removed and reserved]

120. Section 52.1974 is removed and reserved.

§ 52.1975 [Removed and reserved]

121. Section 52.1975 is removed and reserved.

§ 52.1976 [Removed and reserved]

122. Section 52.1976 is removed and reserved.

§ 52.1986 [Removed and reserved]

123. Section 52.1986 is removed and reserved.

§ 52.2055 [Amended]

124. In § 52.2055, paragraph (c) is removed.

§ 52.2056 [Removed and reserved]

125. Section 52.2056 is removed and reserved.

§ 52.2082 [Removed and reserved]

126. Section 52.2082 is removed and reserved.

§ 52.2125 [Removed and reserved]

127. Section 52.2125 is removed and reserved.

§ 52.2127 [Removed and reserved]

128. Section 52.2127 is removed and reserved.

§ 52.2128 [Removed and reserved]

129. Section 52.2128 is removed and reserved.

§ 52.2129 [Removed and reserved]

130. Section 52.2129 is removed and reserved.

§ 52.2174 [Removed and reserved]

131. Section 52.2174 is removed and reserved.

§ 52.2176 [Removed and reserved]

132. Section 52.2176 is removed and reserved.

§ 52.2228 [Amended]

133. In § 52.2228, paragraphs (a) and (b) are removed, and paragraphs (c), (d), (e) and (f) are redesignated as paragraphs (a), (b), (c) and (d) respectively.

§ 52.2232 [Removed]

134. Section 52.2232 is removed.

§ 52.2272 [Removed and reserved]

135. Section 52.2272 is removed and reserved.

§ 52.2275 [Amended]

136. In § 52.2275, paragraph (d) is removed and reserved.

§ 52.2279 [Removed and reserved]

137. Section 52.2279 is removed and reserved.

§ 52.2302 [Removed and reserved]

138. Section 52.2302 is removed and reserved.

§ 52.2345 [Removed and reserved]

139. Section 52.2345 is removed and reserved.

§ 52.2379 [Removed and reserved]

140. Section 52.2379 is removed and reserved.

§ 52.2422 [Removed and reserved]

141. Section 52.2422 is removed and reserved.

§ 52.2424 [Removed and reserved]

142. Section 52.2424 is removed and reserved.

§ 52.2428 [Removed and reserved]

143. Section 52.2428 is removed and reserved.

§ 52.2429 [Removed and reserved]

144. Section 52.2429 is removed and reserved.

§ 52.2448 [Removed and reserved]

145. Section 52.2448 is removed and reserved.

§ 52.2449 [Removed and reserved]

146. Section 52.2449 is removed and reserved.

§ 52.2472 [Removed and reserved]

147. Section 52.2472 is removed and reserved.

§ 52.2475 [Removed and reserved]

148. Section 52.2475 is removed and reserved.

§ 52.2477 [Removed and reserved]

149. Section 52.2477 is removed and reserved.

§ 52.2478 [Removed and reserved]

150. Section 52.2478 is removed and reserved.

§ 52.2481 [Removed and reserved]

151. Section 52.2481 is removed and reserved.

§ 52.2485 [Removed and reserved]

152. Section 52.2485 is removed and reserved.

§ 52.2486 [Removed and reserved]

153. Section 52.2486 is removed and reserved.

§ 52.2489 [Removed and reserved]

154. Section 52.2489 is removed and reserved.

§ 52.2490 [Removed and reserved]

155. Section 52.2490 is removed and reserved.

§ 52.2491 [Removed and reserved]

156. Section 52.2491 is removed and reserved.

§ 52.2492 [Removed and reserved]

157. Section 52.2492 is removed and reserved.

§ 52.2493 [Removed and reserved]

158. Section 52.2493 is removed and reserved.

§ 52.2494 [Removed and reserved]

159. Section 52.2494 is removed and reserved.

§ 52.2496 [Removed and reserved]

160. Section 52.2496 is removed and reserved.

§ 52.2522 [Amended]

161. In § 52.2522, paragraphs (a) and (d) are removed, and paragraphs (b) and (c) are redesignated as paragraphs (a) and (b), respectively; and paragraphs (e) and (f) are redesignated as paragraphs (c) and (d) respectively.

§ 52.2526 [Removed and reserved]

162. Section 52.2526 is removed and reserved.

§ 52.2531 [Removed and reserved]

163. Section 52.2531 is removed and reserved.

§ 52.2532 [Removed and reserved]

164. Section 52.2532 is removed and reserved.

§ 52.2579 [Removed and reserved]

165. Section 52.2579 is removed and reserved.

§ 52.2580 [Removed and reserved]

166. Section 52.2580 is removed and reserved.

§ 52.2582 [Removed and reserved]

167. Section 52.2582 is removed and reserved.

§ 52.2627 [Removed and reserved]

168. Section 52.2627 is removed and reserved.

§ 52.2631 [Removed and reserved]

169. Section 52.2631 is removed and reserved.

§ 52.2673 [Removed and reserved]

170. Section 52.2673 is removed and reserved.

§ 52.2674 [Removed and reserved]

171. Section 52.2674 is removed and reserved.

§ 52.2723 [Removed and reserved]

172. Section 52.2723 is removed and reserved.

§ 52.2724 [Removed and reserved]

173. Section 52.2724 is removed and reserved.

§ 52.2728 [Removed and reserved]

174. Section 52.2728 is removed and reserved.

§ 52.2730 [Removed and reserved]

175. Section 52.2730 is removed and reserved.

§ 52.2776 [Removed and reserved]

176. Section 52.2776 is removed and reserved.

§ 52.2778 [Removed and reserved]

177. Section 52.2778 is removed and reserved.

§ 52.2823 [Removed and reserved]

178. Section 52.2823 is removed and reserved.

§ 52.2826 [Removed and reserved]

179. Section 52.2826 is removed and reserved.

Appendix A part 52 [Removed]

180. Appendix A to part 52 is removed.

PART 60—[AMENDED]

181. The authority citation for Part 60 continues to read as follows:

Authority: 42 U.S.C. 7401–7601.

§ 60.47 [Removed]

182. Section 60.47 (including References and Appendix I) is removed.

§ 60.286 [Removed]

183. Section 60.286 is removed.

§ 60.530 [Amended]

184. In § 60.530, paragraphs (c) and (d) are removed and reserved.

§ 60.532 [Amended]

185. In § 60.532, paragraph (a) is removed and reserved.

§ 60.533 [Amended]

186. In § 60.533, paragraphs (e)(2), (h), (j)(1)(i), and (p)(4)(ii)(B) are removed and reserved.

§ 60.535 [Amended]

187. In § 60.535, paragraphs (a)(2) and (c) are removed and reserved.

§ 60.537 [Amended]

188. In § 60.537, paragraphs (b)(2) and (e) are removed and reserved.

§ 60.539a [Amended]

189. In § 60.539a, paragraph (b)(1) is removed and reserved.

PART 65—[REMOVED]

190. Part 65 is removed.

PART 85—[AMENDED]

191. The authority citation for Part 85 continues to read as follows:

Authority: Sections 203, 205, 207, 208 and 301(a) of the Clean Air Act as amended, 42 U.S.C. 7522, 7524, 7541, 7542, and 7601(a).

Subpart E [Removed and reserved]

192. Part 85, Subpart E is removed and reserved.

PART 86—[AMENDED]

193. The authority citation for Part 86 continues to read as follows:

Authority: Secs. 202, 203, 205, 206, 207, 208, 215, 216, 217, and 301(a), Clean Air Act, as amended (42 U.S.C. 7521, 7522, 7524, 7525, 7541, 7542, 7549, 7550, 7552, and 7601(a)).

§ 86.1104–87 [Removed]

194. Section 86.1104–87 is removed.

§ 86.1104–90 [Removed]

195. Section 86.1104–90 is removed.

§ 86.1105–87 [Amended]

196. In § 86.1105–87, paragraphs (b) and (c)(1) are removed and reserved.

[FR Doc. 95–15029 Filed 6–28–95; 8:45 am]

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40 CFR Parts 35, 122, 123, 124, 125, 140, 141, 144, 146, 148, 403, 405, 406, 407, 408, 409, 411, 412, 417, 418, 424, 426, 427, 428, 432, 435, 436, 443, 446, 447, 454, 455, 457, 460

[FRL–5223–9]

National Pollutant Discharge Elimination System and Pretreatment Programs; State and Local Assistance Programs; Effluent Limitations Guidelines and Standards; Public Water Supply and Underground Injection Control Programs: Removal of Legally Obsolete or Redundant Rules

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is today removing from the Code of Federal Regulations (CFR) a number of regulations pertaining to its water programs that are obsolete or redundant. Deleting the obsolete regulations from the CFR will clarify the legal status of these regulations for both the regulated community and the public. EPA is also deleting from the CFR the maximum contaminant level goal (“MCLG”) and maximum contaminant level (“MCL”) for nickel, which have been vacated by a court. In addition, EPA is making one correction due to a typographical error.

EFFECTIVE DATE: This final rule takes effect on June 29, 1995.

FOR FURTHER INFORMATION CONTACT: Cynthia Puskar, Policy and Resources Management Office (4102), U.S. Environmental Protection Agency, 401 M St. SW, Washington, D.C. 20460, (202) 260–8532.

SUPPLEMENTARY INFORMATION:

I. Introduction

On March 4, 1995 the President directed all Federal agencies and departments to conduct a comprehensive review of the regulations they administer and, by June 1, 1995 to identify those rules that are obsolete or unduly burdensome. EPA has conducted a review of all of its rules, including rules issued under the Federal Water Pollution Control Act, as amended (“FWPCA”) (33 U.S.C. 1158 and 1251 et seq.) (also cited below as the Clean Water Act or “CWA”), the

Safe Drinking Water Act (“SDWA”) (42 U.S.C. 300f et seq.), and the Marine Protection, Research, and Sanctuaries Act (also known as the Ocean Dumping Act or “ODA”) (33 U.S.C. 1401 et seq.). Based on this review, EPA is today deleting a number of FWPCA and SDWA rules from the Code of Federal Regulations, as set forth below. These rules are being deleted either because they are obsolete or because they are redundant with other statutory or regulatory provisions. The rules deemed to be obsolete have expired by their own terms or by the terms of the statute or have been made obsolete by the completion of the grant projects to which they applied. In the case of the maximum contaminant level goal (“MCLG”) and maximum contaminant level (“MCL”) for nickel, EPA is removing those regulations from the CFR because they have been vacated (i.e., declared void and of no effect) by a court. Today’s action does not make any legally substantive changes to the regulatory programs at issue.

Today’s removal of rules from the CFR is not intended to affect the status of any civil or criminal actions that were initiated prior to June 29, 1995 or which may be initiated in the future to redress violations of the rules that occurred prior to today’s action.

In addition to the regulations addressed in today’s action, EPA’s Office of Water has identified a number of other regulatory provisions that may provide opportunities for further streamlining beyond the deletion of obsolete and redundant regulations being accomplished today. The Agency intends to address those matters in future actions.

II. Obsolete Rules

A. Federal Water Pollution Control Act Rules

40 CFR Part 35, Subpart C—Grants for Construction of Wastewater Treatment Works. EPA is deleting Part 35, Subpart C, which comprises regulations promulgated under Section 8 of the Federal Water Pollution Control Act, as amended. Section 8 authorized EPA to award grants to municipalities for the construction of treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters. Subpart C was made obsolete by passage of the CWA and its implementing regulations at 40 CFR Part 35, Subparts E, I and J, as well as completion of most of the projects funded by Subpart C grants, which date to the period prior to the passage of the CWA in 1972. Any remaining active grants will continue to be governed by

the Subpart C regulations applicable at the time the grant was awarded.

40 CFR Part 35, Subpart D—

Reimbursement Grants. EPA is deleting Part 35, Subpart D, which comprises regulations promulgated under Section 206 of the CWA, as amended. Section 206 authorized EPA to award grants to municipalities for reimbursement of state or local funds used for public sewage treatment works projects on which construction was initiated after June 30, 1956, but before July 1, 1973, and for which a grant was awarded under Section 8 of Public Law 84–660. Subpart D was made obsolete by completion of reimbursements to the eligible projects. In the unlikely event of a question regarding a section 206 reimbursement project, the Subpart D regulations in effect when the grant was awarded should be consulted.

Section 122.1(g). This provision simply recites portions of the Clean Water Act that give EPA authority over NPDES-related matters. This language is superfluous and is therefore deleted by today’s rulemaking.

Sections 122.21(m)(3) and (n)(2) and 40 CFR Part 125 Subpart J—Extensions of Deadlines for Meeting Treatment Requirements. CWA sections 301(i)(1) and (2) allowed parties to seek extensions through permit issuance or modification of the statutory deadlines for meeting certain treatment requirements. EPA implemented these provisions in sections 122.21(n)(2) and (m)(3) of the regulations. Section 122.21(n)(2) allowed publicly owned treatment works (“POTWs”) that were experiencing delays in construction to seek extensions of the compliance deadlines. Section 122.21(n)(2) set a deadline of August 3, 1987 for POTWs to apply for an extension. Section 122.21(m)(3) allowed point source dischargers to seek their own extensions of treatment requirement deadlines in the event the POTW into which the source was to discharge was experiencing delays in construction. Section 122.21(m)(3) set a deadline of January 30, 1988 for point source dischargers to apply for these extensions. Because both of these dates have passed, these two regulatory provisions are obsolete and are deleted by today’s rule.

In addition, 40 CFR Part 125 Subpart J (consisting of sections 125.90 through 125.97) sets forth the criteria for issuing these CWA section 301(i) extensions of time to POTWs and point source dischargers. Because these extensions are no longer available, this provision too is obsolete and is deleted by today’s rule.